

FILED

DEC 11 2023

AT ____ O'CLOCK

John M. Domurad, Clerk - Albany

UNITED STATES DISTRICT COURT
for the
Northern District of New York

UNITED STATES OF AMERICA

v.

DEVON NEWSOME a.k.a. "Nepp,"**Defendant.**

Case No. 1:23-MJ-733(CFH)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of May 21, 2023, in the county of Albany in the Northern District of New York the defendant violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. §§ 922(a)(5), 924(a)(1)(D)	Transfer of a Firearm to an Out-Of-State Resident

This criminal complaint is based on these facts:

See attached affidavit.

Continued on the attached sheet.

*Connor Lee**Complainant's signature*

Connor Lee, ATF Task Force Officer

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: December 11, 2023

*CFH**Judge's signature*

City and State: Albany, NY

Hon. Christian F. Hummel, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Connor Lee, depose and say under penalty of perjury as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I respectfully make this affidavit in support of a criminal complaint charging DEVON NEWSOME a.k.a. "Nepp," aged 30, of Stockbridge, Georgia, with Transferring a Firearm to an Out-of-State Resident, in violation of 18 U.S.C. § 922(a)(5) and 924(a)(2), in that NEWSOME, a resident of Georgia who was not licensed to deal, import, manufacture, or collect firearms, willfully transferred, sold, or caused to be delivered firearms to Jabree Jones, a resident of New York not licensed to deal, import, manufacture, or collect firearms, in Albany County, New York, in the Northern District of New York, on or about May 21, 2023, knowing or having reasonable cause to believe that Jabree Jones resided in a state other than Georgia.

2. I have been a Task Force Officer of the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") since July 2022. I am also a law enforcement officer with the Rotterdam Police Department ("RPD") in Rotterdam, New York since January 2014, and a detective in the RPD since August 2017.

3. I have received formal and informal training concerning drug and firearms investigations, federal law pertaining to drug and firearms offenses, drug and firearm identification, report writing, surveillance, and undercover operations. During my tenure with the ATF and with the RPD, I have participated in numerous firearms investigations for which I have conducted physical and electronic surveillance, executed search warrants, and reviewed and analyzed recorded conversations and records of drug and firearms traffickers. Through my training, education, and experience (including debriefing cooperating drug and firearms traffickers and straw purchasers, assisting in undercover operations, and conducting surveillance on numerous

occasions of individuals engaged in drug and firearms trafficking), I have become familiar with the manner in which drugs and firearms are stored, transported, and sold, the method of payment for such firearms and drugs, and the efforts of persons involved in such activities to avoid detection by law enforcement.

4. As an ATF Task Force Officer, I am authorized to seek and execute federal arrest and search warrants for Title 18 criminal offenses, including offenses related to firearms trafficking offenses, including violations under Title 18, United States Code, Chapter 44, related to firearms.

5. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. Where I assert that an event took place on a particular date and time, I am asserting that it took place on or about the date and time asserted. As this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that NEWSOME has violated Title 18, United States Code, Section 922(a)(1)(B).

6. 18 U.S.C. § 922(a)(5) states in relevant part that: "(a) It shall be unlawful... (5) for any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) to transfer, sell, trade, give, transport, or deliver any firearm to any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) who the transferor knows or has reasonable cause to believe does not reside in (or if the person is a corporation or other business entity, does not maintain a place of business in) the State in which the transferor resides; except that this paragraph shall not apply to (A) the transfer, transportation, or delivery of a firearm made to carry out a bequest of a firearm to, or an acquisition by intestate succession of a

firearm by, a person who is permitted to acquire or possess a firearm under the laws of the State of his residence, and (B) the loan or rental of a firearm to any person for temporary use for lawful sporting purposes.”

PROBABLE CAUSE

7. In May 2023, the United States, including the ATF, began investigating Jabree Jones for receiving and trafficking firearms into the State of New York from other states. The investigation has revealed that NEWSOME, a resident of the State of Georgia, transferred firearms to Jabree JONES, a resident of New York State, in May 2023. Both Newsome and Jones are prohibited persons and are not licensed dealers. NEWSOME knew or had reasonable cause to believe that Jones was in New York based on prior mailings between NEWSOME and JONES. The transferred firearms included a Glock pistol equipped with a machinegun conversion device that allowed it to function as a machinegun.

Newsome is Not a Licensed Dealer and a Resident of Georgia

8. According to criminal history records I obtained, I understand that Devon NEWSOME is a prohibited person with at least one prior conviction punishable by a term of imprisonment greater than one year. On July 16, 2015, Newsome was convicted, in Clayton County Superior Court in Georgia, of three counts of Purchase, Possession, Manufacture, Distribution, or Sale of Marijuana, in violation of Georgia Code Section 16-13-30(j), and one count of Theft by Receiving Stolen Property, in violation of Georgia Code Section 16-8-7, for which he received a sentence greater than one year. As of May 2023, Devon Newsome was a prohibited person and was not allowed to possess firearms.

9. An inquiry within ATF records also revealed that Devon NEWSOME did not have any license to deal, import, manufacture, or collect firearms in May 2023.

10. On November 29, and December 1, 2023, law enforcement conducted surveillance in the area of the Stockbridge, Georgia, and observed Newsome leaving a residence at 509 Sprayberry Road. At the time of the surveillance, location information associated with a cell phone with call number 404-455-5258, known to be used by Newsome, showed that the phone was in the same vicinity of Stockbridge, Georgia, where NEWSOME was observed.

Jones is Not a Licensed Dealer

11. Jabree JONES has two prior convictions punishable by a term of imprisonment greater than one year including a prior conviction in the U.S. District Court for the Northern District of New York, of Conspiracy to Violate the Racketeering Influenced and Corrupt Organizations (RICO) Act, in violation of 18 U.S.C. § 1962(d), for which he was sentenced to a term of imprisonment greater than 1 year. Accordingly, as of May 2023, JONES was a prohibited person and was not allowed to possess firearms.

12. An inquiry within ATF records also revealed that Jabree Jones did not have any license to deal, import, manufacture, or collect firearms in May 2023.

Apple Records Show That Devon Newsome Transferred Firearms To Jones in May 2023

13. On October 11, 2023, the U.S. District Court for the Northern District of New York issued a search warrant authorizing the search of information associated with an Apple iCloud account with Apple ID nhnepp@gmail.com (the “Nhnepp iCloud Account”). The verified phone and FaceTime / iMessage Phone for the Nhnepp iCloud Account is 404-455-5258.

14. Law enforcement’s search of the Nhnepp iCloud Account revealed, among other records, a chat conversation between NEWSOME, using phone number 404-455-5258, and Jabree JONES, using phone number 424-332-6700, stating as follows:

DATE/TIME (UTC+0)	SENDER	CONTENT
3/17/2023 3:53:14 PM	424-332-6700 (JONES)	Debbie teta 313 Olean st Schenectady ny 12306
3/20/2023 7:02:48 PM	404-552-5258 (Newsome)	Liked "Debbie teta 313 Olean st Schenectady ny 12306"
3/20/2023 7:06:32 PM	424-332-6700 (JONES)	No signature
3/20/2023 7:06:36 PM	424-332-6700 (JONES)	Overnight
5/10/2023 4:56:37 PM	404-552-5258 (Newsome)	Just woke up
5/12/2023 5:01:56 PM	424-332-6700 (JONES)	32 knauf lane Albany, ny 12211
5/12/2023 5:02:06 PM	424-332-6700 (JONES)	Get that out today please
5/13/2023 3:26:18 PM	404-552-5258 (Newsome)	[Image file "IMG_3241.heic"]
5/20/2023 7:15:44 PM	404-552-5258 (Newsome)	Gody guard 380 Ruger 380 S&w 9 Taurus 40 Glock 9 wit da 6utton
5/20/2023 7:16:01 PM	424-332-6700 (JONES)	Okay
5/20/2023 7:16:12 PM	424-332-6700 (JONES)	See wit 50 got
5/21/2023 6:26:48 PM	404-552-5258 (Newsome)	[Video file MOV_4982.mov]
5/21/2023 6:45:01 PM	404-552-5258 (Newsome)	[Video file MOV_2740.mov]
5/21/2023 6:45:01 PM	404-552-5258 (Newsome)	It's 29
5/21/2023 8:32:13 PM	404-552-5258 (Newsome)	6786131779

15. In my training and experience, the conversation starts on March 17, 2023, with JONES sending an address in Schenectady, New York, to NEWSOME, which JONES liked on March 20, 2023. On March 20, 2023, JONES further added that no signature would be required and directed NEWSOME to send the package overnight. On May 12, 2023, JONES sends NEWSOME another address in Albany, New York, and then asks NEWSOME to send the package out that day. On May 13, 2023, NEWSOME responds with the image file "IMG_3241.heic," which depicts a receipt for a United States Postal Service package sent from Forrest Park, Georgia to Albany, New York.¹ On May 20, 2023, the chat continues when NEWSOME sends JONES

¹ U.S. Postal Service records indicate that the package with the listed tracking number was delivered on or about May 13, 2023, at 11:00 AM.

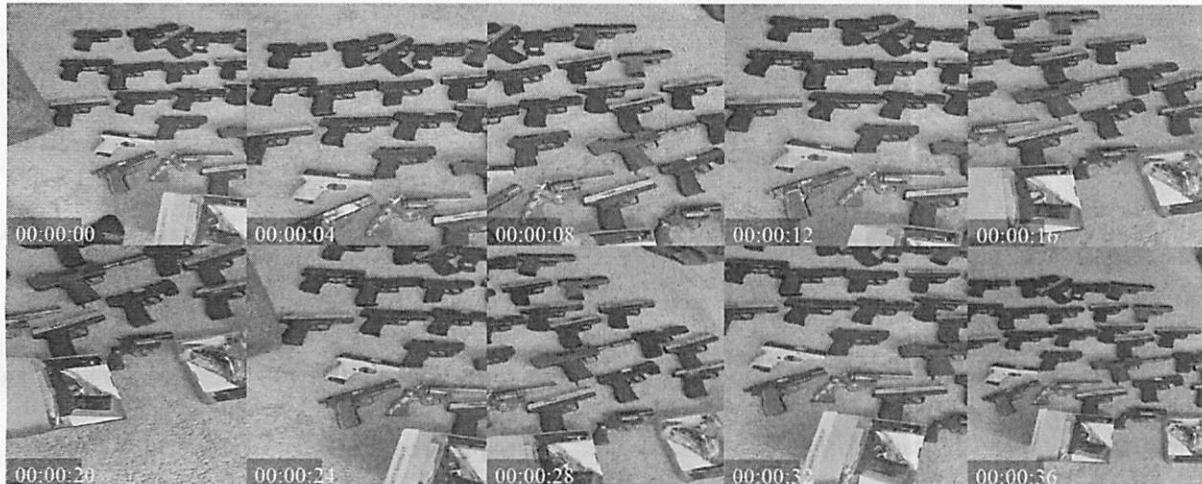
information about different types of firearms he is selling to JONES, including a Bodyguard .380, a Ruger .380 caliber pistol, a Smith & Wesson 9mm caliber pistol, a Taurus .40 caliber pistol, and a Glock 9mm handgun with a “6utton.” In my training and experience, the reference to “da 6utton” means “a button,” which is slang among firearms traffickers for a machinegun conversion device that can convert a firearm to automatically shoot more than one shot without manual reloading, by a single function of the trigger, also known as a machinegun. In response, JONES states okay.

16. The following day, on May 21, 2023, Newsome sends two videos to JONES. He first sent a video file named “MOV_4982,” which is an approximately 16 second video depicting various firearms laid on a carpet. A screenshot taken from the video is seen below:



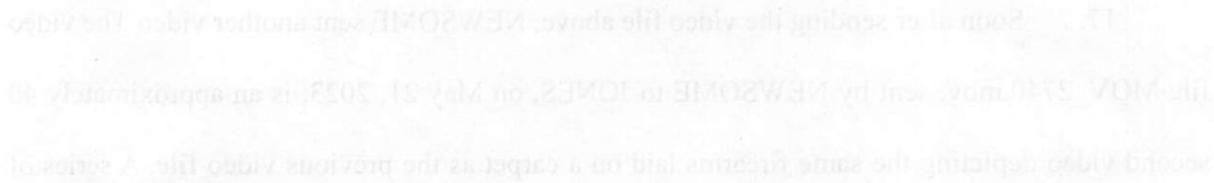
17. Soon after sending the video file above, NEWSOME sent another video. The video file MOV_2740.mov, sent by NEWSOME to JONES, on May 21, 2023, is an approximately 40 second video depicting the same firearms laid on a carpet as the previous video file. A series of screenshots from the file named “MOV_2740.mov” is captured below, which shows the firearms

including a revolver with a wooden handle in the center bottom of the photo.

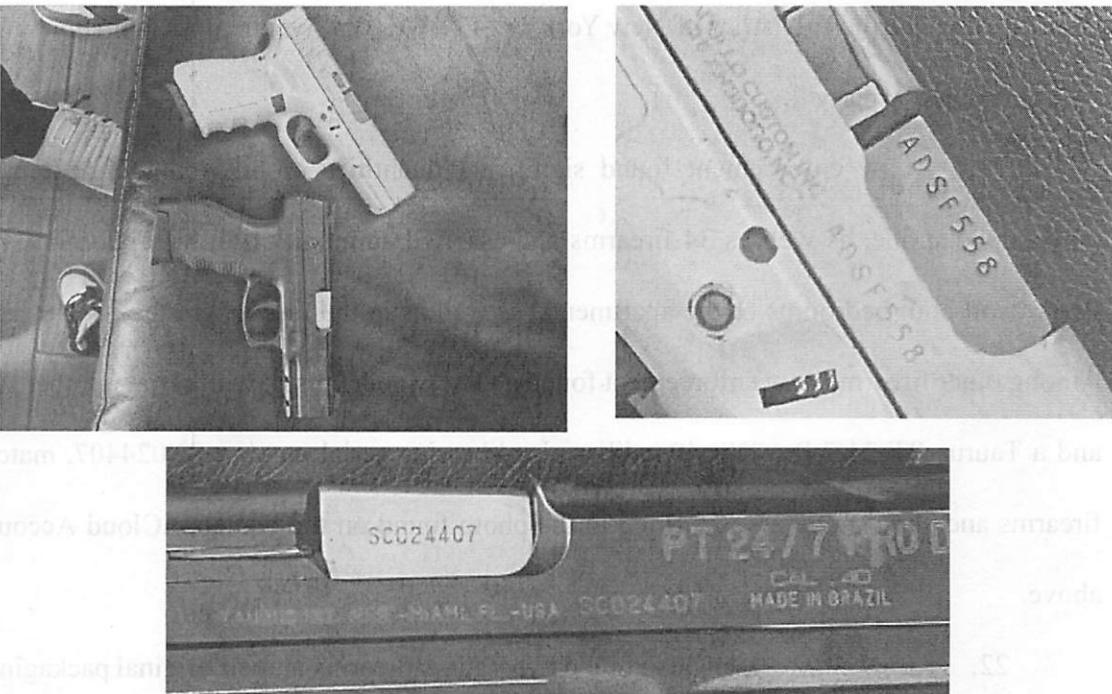


After sending those two video files, NEWSOME sent a chat message on May 21, 2023, to JONES, stating, “It’s 29” and “6786131779,” which in my training and experience, indicates that there were 29 firearms available for sale and visible in the video and directed JONES to contact the phone number 678-613-1779.²

18. Law enforcement’s search of the Nhnepp iCloud Account also revealed an image with file name “IMG_6250.heic,” with associated metadata indicating it was created on or about April 25, 2023, that depicts a Glock model pistol with serial number ADSF558 and a Taurus PT 24/7 Pro DS .40 caliber pistol bearing serial number SC024407. The original image, along with two enhanced images showing the serial numbers on the firearms are set forth below:



² AT&T records indicate that phone number 678-613-1779 is registered to Kayla Smothers, with a listed address on Biscayne Drive, Forest Park, Georgia. The listed email contact for the subscriber is listed as devonskeeper123@gmail.com. Smothers is believed to be Newsome’s girlfriend and has also been observed living at an address in Stockbridge, Georgia, with Newsome in November and December 2023.



19. Law enforcement's search of the Nhnepp iCloud Account also revealed significant amounts of attribution evidence showing that the account and phone number 404-552-5258 is used and controlled by Devon NEWSOME. For example, one video, with metadata indicating that it was recorded on October 10, 2023, depicts NEWSOME, with the camera in "selfie" mode, singing to music, and contains a location tag stating "Cali, La Sucursal del Cielo, De Colombia." A database query of the Treasury Enforcement Communication System (TECS) revealed that on October 8, 2023, NEWSOME traveled to Bogota, Eldorado (Bogota International Airport, Colombia) from Hartsfield-Jackson Atlanta, GA International Airport, and travelled back from Colombia to Georgia on October 11, 2023. Flight confirmation details from air carriers for Newsome's travel to Colombia were also found in the Nhnepp iCloud Account.

Search Warrant Executed at the Western Ave Property Finds Firearms Linked to NEWSOME

20. On May 23, 2023, law enforcement, including members of the Drug Enforcement Administration (DEA) and the ATF, executed a federal search warrant issued by the U.S. District

Court for the Northern District of New York at 1434 Western Avenue, in Albany, New York (the “Western Ave Property”).

21. Law enforcement found significant quantities of pills containing fentanyl and methamphetamine, as well as 34 firearms and assorted ammunition in the apartment, including firearms in both bedrooms of the apartments, as well as in the safe where the drugs were found. Among other firearms, law enforcement found a Glock model pistol with serial number ADSF558 and a Taurus PT 24/7 Pro DS .40 caliber pistol bearing serial number SC024407, matching the firearms and serial numbers identified in the photo found on the Nhnepp iCloud Account noted above.

22. Law enforcement also found two Taurus firearms in their original packaging, which matches with the two video files depicting two Taurus firearms in their original packaging that NEWSOME sent to JONES on May 21, 2023.

23. A Ruger Security Six .357 caliber revolver was found in the safe at the Western Ave Property with a cracked handle that appeared to be repaired with a unique streak on the handle, which also matches the appearance of a revolver in the video sent by NEWSOME to JONES. A photograph of the Ruger recovered at the Western Ave Property on May 23, 2023, is seen below:



24. At the Western Ave Property, law enforcement also found a Polymer 80 privately made firearm, with a unique light on the front along with a unique gold barrel. The unique characteristics of the firearm match a firearm depicted in the video sent by NEWSOME to JONES on May 21, 2023. A photograph of the Polymer 80 privately made firearm recovered at the Western Ave Property on May 23, 2023, is seen below:



25. Law enforcement also found a Glock, Model 22, .40 caliber pistol, bearing serial number CWG293US, with a loaded extended magazine (the “Glock 22”), along with three other firearms, in the fridge in the rear bedroom.

26. I have been informed by an agent for the ATF that several of the firearms found at the Western Ave Property, including the Glock model pistol with serial number ADSF558 and a Taurus PT 24/7 Pro DS .40 caliber pistol bearing serial number SC024407, were manufactured outside of the State of New York.

27. ATF trace reports and related police reports, show that several of the firearms recovered at the Western Ave Property were previously purchased and reported stolen outside of New York, including Georgia. For example, ATF records show that one firearm recovered in the safe at the Western Ave Property—a Taurus, Model G2C, 9mm caliber pistol, bearing serial number ABA254732—was purchased on March 14, 2020, in Georgia, and was reported stolen out of Georgia, on March 18, 2023.

28. Firearms Enforcement Officer (“FEO”) John Hawes, from the ATF Firearms and Ammunition Technology Division, examined the Glock Model 22, .40 caliber pistol, bearing serial number CWG293US (“Glock 22”), that was recovered at the Western Ave Property. FEO Hawes determined that the Glock 22 had been modified by the replacement of a slide cover plate, with a machinegun conversion device (“MGCD”) to convert the semiautomatic pistol into a machinegun. Upon test firing and conducting further analysis, FEO Hawes concluded that the Glock 22, with the MGCD installed, is a weapon that shoots, automatically more than one shot, without manual reloading, by a single function of the trigger, and is therefore classified as a machinegun. Based on this information, I believe that the Glock 22 found at the Western Ave Property was the “Glock with da 6utton” referenced by NEWSOME in his chat message with JONES.

Probation Search at JONES’ Residence Finds Three Phones

29. The U.S. Probation Office also executed a probation search on May 23, 2023, at the reported residence of Jabree JONES at 21 Sacandaga Road in Glenville, New York. During the search, U.S. Probation found \$50,000 in cash located hidden in a closet, a set of keys that included keys to the Western Ave Property, and three cell phones—an Apple iPhone SE bearing call number 424-332-6700; an Apple iPhone 13 Mini bearing call number 518-937-0346; and an Apple iPhone 8 bearing call number 404-502-4395.

30. The Apple iPhone SE bearing call number 424-332-6700 was subsequently searched and found to contain the same chat conversation between NEWSOME and JONES described in paragraphs 14 to 17 above.

31. U.S. Probation was able to use the keys found at JONES’ residence to obtain access to the Western Ave Property. Based on the keys that were found by Probation at his residence that gave him access to the drugs and guns found at the Western Ave Property and other surveillance

done of the Western Ave Property showing that JONES had access, custody, and control over the property, I believe that Jabree JONES had constructive possession of all the firearms and drugs found at the Western Ave Property.

32. JONES was also observed entering the Western Ave Property on May 22, 2023, and was required to stay within the Northern District of New York while under supervision.

CONCLUSION

33. Based on the above information, there is probable cause to believe that on or about May 21, 2023, in Albany County, New York, in the Northern District of New York, and elsewhere, DEVON NEWSOME, a resident of Georgia not licensed to deal, import, manufacture, or collect firearms, transferred, sold, or caused to be delivered firearms to Jabree JONES, a resident of New York not licensed to deal, import, manufacture, or collect firearms, in Albany County, New York, in the Northern District of New York, and NEWSOME knew or had reasonable cause to believe that Jabree Jones resided in a state other than Georgia.

34. I respectfully request that a criminal complaint be issued pursuant to this violation of federal law.

Attested to by the Affiant:

Connor Lee

Connor Lee
Task Force Officer
Bureau of Alcohol, Tobacco, Firearms & Explosives

I, the Honorable Christian F. Hummel, United States Magistrate Judge, hereby acknowledge that this affidavit was attested to by the affiant by telephone on December 11, 2023 in accordance with Rule 41 of the Federal Rules of Criminal Procedure.

Chris Hummel
Hon. Christian F. Hummel
United States Magistrate Judge